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3:01-CV-01777 SUSTEREN V. JONES
8
ANS.

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DEPUTY

8 Attorneys for Defendant
9 Secretary of State Bill Jones

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

FILED BY FAX

12 ADAM VAN SUSTEREN,

13 Plaintiff,

14 v.

01-CV-1777 BTM (POR)

DEFENDANT BILL JONES'
ANSWER TO COMPLAINT

15 BILL JONES in his official capacity as California
16 Secretary of State; MIKEL HAAS in his official
17 capacity as Registrar of Voters,

18 Defendants.

19
20
21 Defendant Secretary of State Bill Jones ("defendant"), for himself and no others,
22 answers the complaint of plaintiff Adam Van Susteren as follows:

23 1. Responding to the Introductory paragraph of plaintiff's complaint, to the
24 extent charging allegations may be contained in said paragraph, defendant denies the
25 allegations.

26 2. Responding to paragraph number 1 of plaintiff's complaint, defendant
27 contends that the law speaks for itself, and defendant denies the allegations on that basis.

28 / / /

DEFENDANT BILL JONES' ANSWER TO COMPLAINT

ORIGINAL

1 3. Responding to paragraph number 2 of plaintiff's complaint, defendant
2 contends that the law speaks for itself, and defendant denies the allegations on that basis.

3 4. Responding to paragraph number 3 of plaintiff's complaint, defendant
4 lacks sufficient knowledge or information to form a belief as to the truth of the allegations, and
5 on that basis denies the allegations.

6 5. Responding to paragraph number 4 of plaintiff's complaint, defendant
7 contends that the law regarding his duties speaks for itself, and denies the allegations on that
8 basis.

9 6. Responding to paragraph number 5 of plaintiff's complaint, defendant
10 lacks sufficient knowledge or information to form a belief as to the truth of the allegations, and
11 on that basis denies the allegations.

12 7. Responding to paragraph number 6 of plaintiff's complaint, defendant
13 lacks sufficient knowledge or information to form a belief as to the truth of the allegations, and
14 on that basis denies the allegations.

15 8. Responding to paragraph number 7 of plaintiff's complaint, defendant
16 lacks sufficient knowledge or information to form a belief as to the truth of the allegations, and
17 on that basis denies the allegations.

18 9. Responding to paragraph number 8 of plaintiff's complaint, defendant
19 denies the allegations.

20 10. Responding to paragraph number 9 of plaintiff's complaint, defendant
21 denies the allegations.

ADDITIONAL DEFENSES

ONE

24 11. The complaint, and each cause of action asserted therein, fails to state
25 facts sufficient to constitute a cause of action.

TWO

27 12. The complaint, in whole or in part, is barred by applicable limitation
28 periods.

THREE

2 13. The complaint is barred, and the Court lacks jurisdiction over the
3 complaint, pursuant to the Eleventh Amendment to the United States Constitution.

FOUR

5 14. The complaint, and each cause of action asserted therein, is barred, and
6 the court lacks jurisdiction over this matter, because plaintiff failed to exhaust applicable
7 administrative remedies.

8 ACCORDINGLY, defendant prays as follows:

9 1. That judgment be entered in favor of defendant and against plaintiff on
10 the complaint as a whole, and that plaintiff take nothing by way of the complaint;

11 2. That the complaint, and each cause of action therein, be dismissed with
12 prejudice;

13 3. That defendant be awarded the costs, expenses and attorneys fees
14 incurred in this action; and

15 | 4. That the court grant such additional relief as it deems proper.

17 DATED: October 29, 2001

Respectfully submitted,

BILL LOCKYER
Attorney General of the State of California

MANUEL M. MEDEIROS
Senior Assistant Attorney General



LOUIS R. MAURO
Supervising Deputy Attorney General

**Attorneys for Defendant
Secretary of State Bill Jones**

DECLARATION OF SERVICE

Case Name : Van Susteren v. Bill Jones, et al.
 Case No. : 01 CV 1777 BTM (POR)
 Court : U.S.D.C. Southern District of California

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the Bar of this Court at which member's direction this service is made. I am 18 years of age or older and not a party to the within entitled case.

I served the following:

DEFENDANT BILL JONES' ANSWER TO COMPLAINT

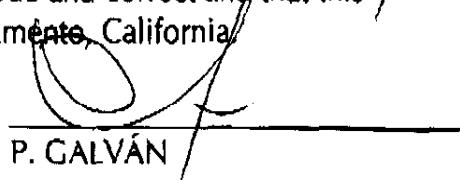
Addressed as follows:

Adam Van Susteren
 2461 Union Street, # 2
 San Diego, California 92101

Plaintiff in Pro Per

- U.S. MAIL:** I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.
- FACSIMILE TRANSMISSION:** On the date below from facsimile machine number (916) 324-8835, I personally transmitted to the above-named person(s) to the facsimile number(s) shown above, pursuant to California Rules of Court 2003-2008. A true copy of the above-described document(s) were transmitted by facsimile transmission and the transmission was reported as complete and without error. A copy of the transmission report issued by the transmitting machine is attached to this proof of service.
- OTHER SERVICE:** I caused such envelope(s) to be delivered to the office of the addressee(s) listed above by:
 - Express Mail
 - Golden State Overnight
 - Messenger
- PERSONAL SERVICE:** By causing a true copy of the above-described documents to be hand delivered to the office(s) of the addressee(s).

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on October 30, 2001 at Sacramento, California.



P. GALVÁN